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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		002566-54 (016100)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	09/625,913	July 26, 2000	
	First Named Inventor	Albert H.F. DeHeer et al.	
	Art Unit	Examiner	
	2164	Sana A. Al-Hashemi	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 43,143</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

Signature

Daniel S. Song

Typed or printed name

202-585-8000

Telephone number

April 24, 2006

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ATTACHMENT

In the Office Action mailed January 24, 2006, the Examiner has maintained her rejection of claims 1-39 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,740,425 to Povilus in view of U.S. Patent No. 6,249,772 to Walker et al. The applicants disagree and contend that this rejection is improper.

As established in the record and discussed during the personal interview conducted on October 9, 2005, the present invention is directed to a method and systems for distributing and maintaining product data, the present invention providing product data to customers, who in turn, generate catalogs for users/consumers using the product data provided. (See Amendment filed November 18, 2005, Pg. 15).

The cited Povilus reference discloses a data structure for creating a product database based on the class/group of products that includes SKUs of products. (See Amendment filed November 18, 2005, Pg. 16). In contrast, the cited Walker reference is directed to a system and method that allows a buyer to purchase a product from a merchant at a reduced price that is different than the price that the merchant normally sells the product. Thus, the invention disclosed in Walker is directed to pricing of products in commerce, and does not relate at all to the distribution/maintaining of catalog data. (See Amendment filed November 18, 2005, Pg. 16). Correspondingly, the Walker reference is not a properly cited reference since it is not directed to the same field of endeavor, and is not reasonably pertinent to the problems addressed by the present invention. Moreover, these references fail to teach combining the references in the manner suggested, and the Examiner fails to establish such motivation. Thus, the Applicants contend that the Examiner's rejection is improper.

Moreover, even if these references were properly combinable, they still fail to result in the present invention as claimed. In particular, Examiner's rejection of claims 1, 31, 32 and 33, are improper in that these claims recite that product data includes both a manufacturer SKU that identifies each of the products, and customer SKU that identifies each of the products. These claims also recite that the manufacturer SKU is associated with the customer SKU, and each customer SKU is also associated with a customer. This provision of both the manufacturer SKU and the customer SKU, and the recited association, are important features because they facilitate the customers' ability to generate a catalog for the users.

As conceded by the Examiner in the Office Action, Povilus does not disclose a method of storing product data including both a manufacturer SKU and a customer SKU, associating these SKUs, and associating the customer SKU with a customer. To cure this defect, the Examiner cites Figure 6A, Col. 8, lines 10-17, of Walker to assert that the “STORE ID NUMBER” disclosed in Walker corresponds to the “customer SKU” recited in these claims. This is improper. The STORE ID NUMBER disclosed in Walker is a number that merely identifies a particular store so that available inventory at the store can be indicated. (See Col. 15, lines 32-39). In other words, the disclosed STORE ID NUMBER is associated with the particular store that sells the product, and does not identify, or function to identify, a particular product that is being sold in the store. Thus, the cited Walker reference fails to cure the deficiencies of the Povilus reference so that even if these references are combined in the manner suggested, such a combination still fails to disclose, teach, or otherwise render obvious, the present invention as claimed. Clearly, the Examiner has failed to establish all three basic criteria required for properly establishing a *prima facie* case of obviousness, and this rejection should be withdrawn.

Referring again to the Office Action, independent claims 2, 34, 35 and 36 were rejected as obvious in view of Povilus and Walker. However, this rejection is improper in that Povilus and Walker cannot be properly combined. In addition, even if these references are combined, they still fail to disclose the invention as recited. In particular, these claims specifically recite receiving a customer product portfolio file that includes a plurality of SKUs associated with a plurality of products, and electronically mapping this file to the system product data file to identify products for which product data is not stored in the system product data file. Such missing product data is then captured and stored in the system product data file as recited in these claims.

Povilus appears to disclose creating and naming a new product for storage in a database by allowing manual selection of the desired type of change, by creating a new record, and naming the new product in the manner shown in Figure 31B. However, the Povilus reference does not teach a customer product portfolio file that is distinct from the system product data file, or electronically mapping the customer product portfolio file to the system product data file so as to identify data that is not in the system product data file. Correspondingly, Povilus also does not teach indicating whether product data has been obtained and stored in the system product data file, or capturing the product data to be incorporated into the system product data file.

In the Office Action, the Examiner cites various portions of the Povilus reference as disclosing the various elements of the claims. However, the relevance of the various cited portions

are entirely unclear. For example, in asserting that the Povilus reference discloses a customer product portfolio file with a plurality of SKUs, the Examiner cites Col. 7, lines 13-19 of Povilus and notes that the disclosed “Definer” corresponds to the customer SKU. The relevance of this is entirely unclear since, as pointed out in the prior responses, Povilus explains that a Definer is a phrase having a definition and exists to give meaning to nodes in a concept structure so as to facilitate understanding between the provider of the products, and the seeker of the products which are categorized. (See Col. 7, lines 13-26). In other words, a “Definer” is a word or phrase for a node or category likely to convey the identity of the product, and neither refers to a SKU, nor perform a function similar to a SKU. The above noted deficiencies of Povilus are also not addressed by the cited Walker secondary reference. Therefore, this rejection is clearly improper.

Various dependent claims 3-12 were also rejected in the Office Action as being rendered obvious by Povilus in view of Walker. However, these claims are ultimately dependent upon independent claim 2, and thus, Examiner’s rejections are also improper at least by the reason of their dependency. In addition, the cited references do not render obvious, the features recited in these claims, even if these references are combined. For example, dependent claims 5 and 6 further recite generating enriched product data from the system product data file according to a customer profile. Page 36, line 24 to Page 37, line 21 of the Specification of the present application describes the possible features and advantages in generating enriched product data from the system product data file according to a customer profile. Such customer profile may include mapping tables with information regarding the customer and the customer’s preferences with respect to receiving product data. This allows customization of what product data is provided to which customer so that the customers do not receive all the product data, but instead, only receive data that has been indicated as being desired. Such customization may be based upon language, one or more components, attributes, etc.

The Examiner cites Col. 8, lines 34-39 and 52-58 of Povilus as disclosing the limitations of claim 5, and further explains in Footnote 2 that the Examiner interprets “the further details disclosed by Povilus corresponds to enriched claimed.” Such a vague rejection cannot be understood by the Applicants and numerous requests for clarification have gone unaddressed. The cited portion of Povilus is directed to the Definer which, as noted previously, is a phrase for a node or category likely to convey the identity of the product. This has nothing to do with enriching the product data with additional information, or to a customer profile as recited in claims 5 and 6.

Clearly, the Examiner has failed to properly establish a *prima facie* case of obviousness, and this rejection is improper.

Rejected dependent claims 8 and 9 recite component definition with a section header, line header and line body, that are associated with the component data. Rejected dependent claims 10-12 recite building a component descriptor from the extracted information and the component definition. These limitations are not disclosed or rendered obvious by the cited references. Whereas various portions of Povilus is cited by the Examiner, these cited portions also appear to be irrelevant. Thus, the Examiner's rejection of these dependent claims are also improper since the Examiner has not established a *prima facie* case of obviousness.

Independent claims 13 and 37 were rejected as being rendered obvious by Povilus in view of Walker. Again, this rejection is improper in that these claims recite receiving a customer product portfolio file, electronically mapping the customer product portfolio file to the system product data file, generating enriched product data that includes added product data, and transmitting the enriched product data to the customer. These features are clearly not disclosed or rendered obvious by the combination of Povilus or Walker references as discussed above. In rejecting these claims, the Examiner cited Col. 10, lines 27-60 of Povilus. However, the cited portion of Povilus is irrelevant, and merely discloses activities of a lead engineer in listing, and viewing, the available products. Thus, this rejection by the Examiner is also improper.

Dependent claims 14-20, and 30 were also rejected based on the combination of Povilus in view of Walker. However, these claims are dependent upon allowable independent claim 13. Moreover, dependent claims 17 and 18 further recite obtaining attribute values, and claim 18 recites producing a list of related products, both of these features being not disclosed or rendered obvious by the cited references. Therefore, the rejection of these claims is also improper.

Independent claim 21 as well as dependent claims 22-25 and 29 dependent thereon, were also rejected based on Povilus in view of Walker. However, claim 21 recites a customer product portfolio file including a manufacturer SKU, and a customer SKU, and further recites electronic mapping of the customer product portfolio file with the system product data file. As discussed above, the combination of the cited references still fail to result in these features. Moreover, the rejections set forth in the Office Action are deficient in that the various cited portions of the prior art do not disclose the features as alleged by the Examiner. Thus, this rejection is also improper.

Independent claim 26 and dependent claim 27 were also rejected as being unpatentable in view of Povilus and Walker. This rejection is believed to be improper in that claim 26 recites

accepting a selection of at least one of the set of attributes which correspond to a category, and accepting a selection of products within the category. Povilus and/or Walker do not disclose or otherwise render obvious, this feature. Whereas Povilus discloses searching and retrieval of product information from a database, and thus, accepting a selection of a product in a category, the cited references do not specifically disclose acceptance of an attribute associated with a product. Thus, the cited prior art references do not allow searching for products based upon attributes of the products, for example, speed of a processor, a size of memory, etc. in the example category of computers. Therefore, the Examiner has again failed to establish a prima facie case of obviousness, and thus, this rejection is improper.

Independent claim 28 was also rejected based on Povilus in view of Walker. Independent claim 28 recites a method of querying including accepting a user query specifying a product, as well as a catalog component that is to be retrieved. This means that the customer can customize the type of information regarding a product which is to be retrieved and transmitted to the customer. Correspondingly, the customer is not provided with all the information associated with the product, but only the type of information desired by the customer. Thus, the customer can provide a query that specifies one or more of the catalog components is to be provided as a result of the query such as the product description, technical specifications, a marketing description, an image, and/or a URL. In this regard, the claim further recites obtaining of a catalog component definition that is associated with the catalog component, and also defines a format for the catalog component. This is in contrast to Povilus that discloses the ability of a user to obtain information regarding only a portion of the manufacturer's total offering of products (i.e. all information regarding some of the products, not some information regarding some of the products). Walker does not cure these noted deficiencies of Povilus. Thus, the Examiner's rejection is believed to be improper.

The Examiner further rejected independent claims 37 to 39 as being rendered obvious by Povilus in view of Walker. However, the Office Action fails to provide any discussion of the basis or rationale for this rejection. Thus, the Examiner's rejection is clearly improper. In addition, these independent claims all recite a customer product portfolio file includes a plurality of SKUs, a customer profile, and further recite generating enriched product data that includes added product data, which is transmitted to the customer. As discussed above, these features are not disclosed, or otherwise rendered obvious, by Povilus and/or Walker.